

Mapleton City Planning Commission Staff Report

Meeting Date: August 27, 2009

Item #: 8

Applicant: Rakesh Goyal

Prepared by: Cory Branch

REQUEST:

Rakesh Goyal requests a discussion item regarding Lot 17 (proposed park area) in the Hillcrest Subdivision as it relates to landscaping, pavilions, walking paths, and a tot lot on property located generally at 1818 South 250 West. The subject property is located in the PRC-1 (Planned Residential Community – 1) zone.

FINDINGS OF FACT:

1. The subject property is located in the PRC-1 zone known as the Hillcrest Subdivision. The approved subdivision consists of 17 lots. (see Attachment 1 – Approved and recorded Hillcrest Subdivision)
2. Lot 17 was set aside as a park area. Mapleton City code Section 18.82A.100, reads as follows:

Lot 17 will be set aside as a park area that will be fully landscaped, including a pavilion, walking path, and a tot lot. The park improvements shall be completed one (1) year from the date of the recording of the plat. The Hillcrest Homeowners' Association will be responsible for the maintenance and upkeep of Lot 17. If the Association defaults (as defined in Section 18.82A.120 of the Mapleton Code) ownership of Lot 17 shall pass to Mapleton City.

3. A bond agreement between Mapleton City and Apex Investment Group, LLC is in place to insure the completion of the entire park.
4. The applicant is proposing to rough grade Lot 17, grub weeds and brush, and maintain existing mature trees, and then leave it for future development by the Homeowner's upon substantial occupancy of the subdivision. The applicant is also proposing that we release the bond money and allow it to be placed in the Homeowner's Association impound/reserve account. (see Attachment 1 – Information submitted by the applicant)
5. The applicant is also requesting modifications to the Detention Basin. This request is currently under review and a recommendation will be made by Staff at the night of the Commission meeting.

PLANNING COMMISSION DISCUSSION ITEMS:

1. Should the proposed park be left for the Homeowner's to decide at a future date?
2. Should a pavilion, walking path, and a tot lot be required?
3. Should the bond money be released to the Homeowner's Association?

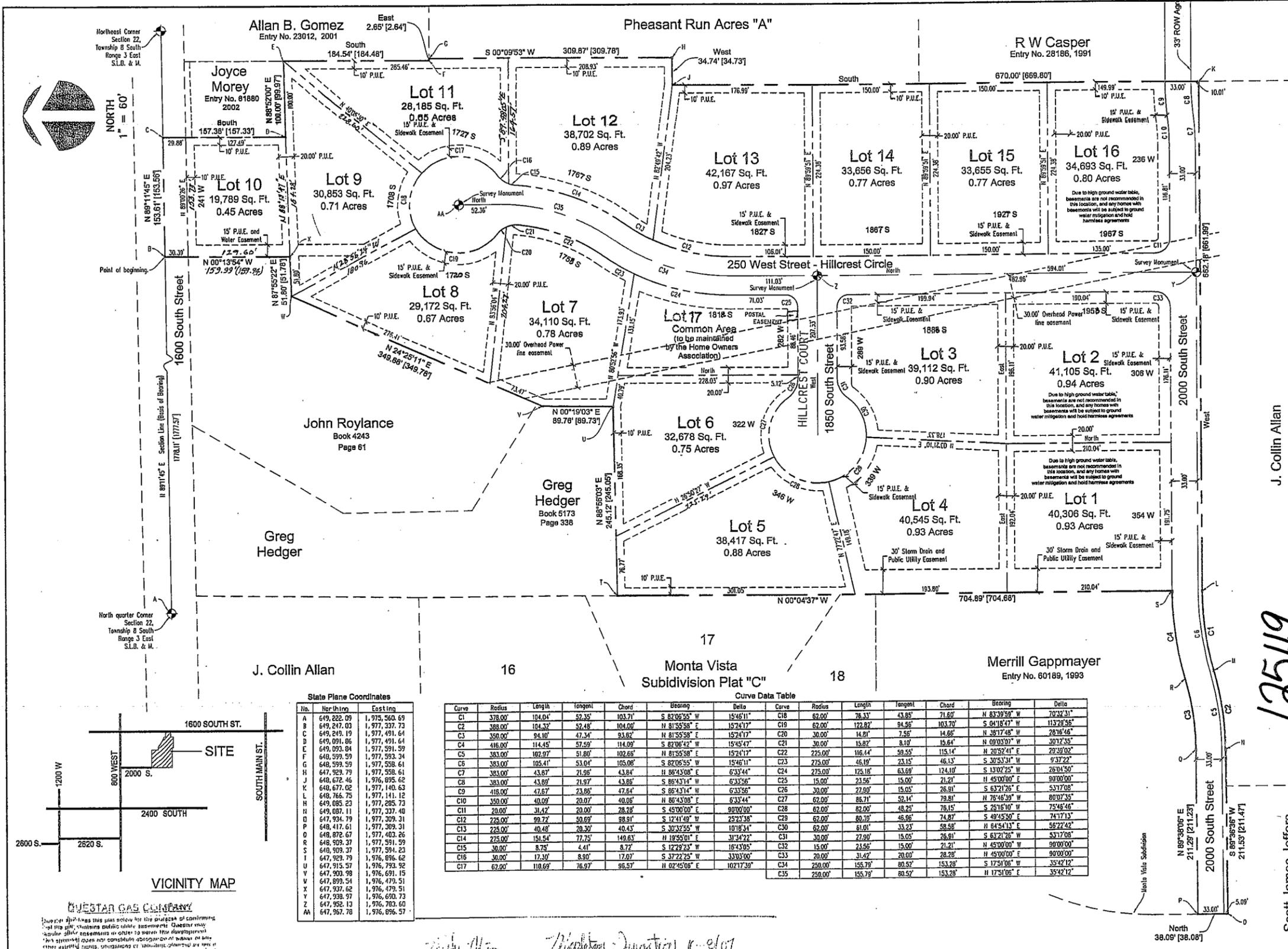
STAFF RECOMMENDATION:

Staff recommends denial of the proposed request, thus allowing the bond to remain in place to insure the completion of the entire park to include landscaping, a pavilion, walking path, and a tot lot.

ATTACHMENTS:

1. Approved and recorded Hillcrest Subdivision
2. Information submitted by the applicant.

6-15-06



Surveyor's Certificate
 I, Roger D. Oeder, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 147089 as prescribed under the laws of the State of Utah. I further certify that all of the information herein is true and correct to the best of my knowledge and belief. I performed a Survey of 2006. The boundary description herein is based on the field notes and data which were collected and reduced in accordance with the provisions of the Utah Surveying Act, Chapter 2, A, Revised Code of Utah. I further certify that the reference markers shown on said map are located as shown and are sufficient to readily retrace or reestablish this survey.
 Date: 09-15-06
 Roger D. Oeder
 Registered Land Surveyor (see seal below)

Boundary Description
 Commencing at a point located North 89°11'45" East along the Section line 1778.11 feet from the North quarter corner of Section 22, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 89°11'45" East along the Section line 153.61 feet; thence South 157.38 feet; thence North 88°52'00" East 100.00 feet; thence South 184.54 feet; thence East 2.65 feet; thence South 309.87 feet; thence West 34.74 feet; thence South 670.00 feet; thence West 662.19 feet; thence along the arc of a 378.00 foot radius curve to the left 104.04 feet (chord bears South 82°05'50" West 103.71 feet); thence along the arc of a 388.00 foot radius curve to the right 104.15 feet (chord bears South 81°55'12" West 103.84 feet); thence South 89°36'36" West 211.70 feet; thence North 38.09 feet; thence North 89°36'36" East 211.29 feet; thence along the arc of a 350.00 foot radius curve to the right 114.45 feet (chord bears North 81°55'58" East 93.82 feet); thence along the arc of a 416.00 foot radius curve to the right 114.45 feet (chord bears North 82°06'42" East 114.09 feet); thence North 00°04'37" West partially along the Eastern boundary line of Plat "C", Mont Vista Subdivision 704.89 feet; thence North 88°56'03" East 245.12 feet; thence North 00°19'03" East 89.76 feet; thence North 24°25'11" East 349.88 feet; thence North 87°55'22" East 51.80 feet; thence North 00°13'04" East 159.99 feet to the point of beginning.
 Area: 700.835 SF 16.09 Acres

Basis of Bearing North 89°11'45" East along the Section line

Owner's Certificate and Consent to Record
 Know all men by these presents that we the undersigned owners of the tract of land described herein as Hillcrest Phase 1, Planned Unit Development located on said tract of land have caused a survey to be made and this record of survey map consisting of one sheet(s) to be prepared, do hereby give our consent to the recording of this record of survey map. In witness hereof we have hereunto set our hands this 15th day of September, A.D. 2006.
 J. Collin Allan
 Apex Investment Group, LLC

Acknowledgment
 STATE OF UTAH
 COUNTY OF UTAH
 The foregoing instrument was acknowledged before me this 15th day of September, 2006, by J. Collin Allan, who represented that he is the owner of the above-described property and has the authority to execute this instrument.
 My Commission Expires March 30, 2009
 Notary Public - (See Seal Below)

Utility Dedication
 I, owner(s) of the Parcel of land which is shown upon the Plat of Hillcrest Phase 1, Planned Unit Development, consent to the preparation and recording of this Plat and does hereby offer and convey to all Public Utility Agencies and their successors and assigns a permanent easement and right of way as shown by this area marked "Utility Easement", and "Private Streets" on the within plat for the construction and maintenance of subterranean electric, telephone, natural gas, sewer and water lines appurtenant, together with the right of access there to.

Reservation of Common Areas
 In receiving this plat of Hillcrest Phase 1, Planned Unit Development, has designated certain areas of land as "Private Streets", and "Common Areas", intended for the use by the owners in Hillcrest Phase 1, Planned Unit Development, for ingress, egress, recreation, and other related activities. The designated areas are not dedicated hereby for the use by the general public for the common use and enjoyment of the owners in Hillcrest Phase 1, Planned Unit Development, as more fully provided in the declaration of covenants, conditions and restrictions, applicable to Hillcrest Phase 1, Planned Unit Development, said declaration of covenants, conditions and restrictions is hereby incorporated and made part of this official plat and becomes effective upon the date that this plat is recorded in the official records of Utah County, Utah.

Planning Commission Approval
 Approved this 20th day of October, A.D. 2006 by the Mapleton City Planning Commission.
 Director - Secretary
 Chairman, Planning Commission
 Resolution No.

Acceptance by the City of Mapleton
 Approved this 7th day of December, 2006 by Mapleton City, approves this subdivision and hereby accepts the dedication of all Streets, Easements, and other Parcels of land intended for public purposes for the use of the public. The City recognizes that this plat creates interests of property with the dedication shown herein this 7th day of December, A.D. 2006.
 Approved: Scott James Jeffers City Engineer
 Approved: Kevin M. Allan - Mayor City Recorder

Occupancy Restriction Notice
 The City of Mapleton has an Ordinance which restricts the occupancy of buildings within this subdivision. According, it is intended to occupy any building located within this subdivision without first having obtained a certificate of occupancy issued by the City.

Phase 1
 Hillcrest
 Planned Unit Development
 Mapleton City, Utah County, Utah
 Scale: 1" = Feet

State Plane Coordinates

No.	Northing	Easting
A	649,222.09	1,975,560.69
B	649,247.03	1,977,337.73
C	649,249.19	1,977,491.64
D	649,091.86	1,977,491.64
E	649,093.04	1,977,591.59
F	648,599.59	1,977,593.34
G	648,599.59	1,977,558.61
H	647,929.79	1,977,558.61
J	648,672.46	1,976,895.62
K	648,677.02	1,977,140.63
L	648,766.75	1,977,141.12
M	649,085.23	1,977,285.73
N	649,087.11	1,977,337.40
O	647,934.79	1,977,309.31
P	648,417.61	1,977,309.31
Q	648,872.67	1,977,403.26
R	648,509.37	1,977,591.59
S	648,509.37	1,977,594.23
T	647,929.79	1,976,896.62
U	647,915.57	1,976,793.92
V	647,200.98	1,976,691.15
W	647,899.54	1,976,479.51
X	647,937.62	1,976,479.51
Y	647,938.97	1,976,690.73
Z	647,952.13	1,976,783.60
AA	647,967.78	1,976,896.57

Curve Data Table

Curve	Radius	Length	Length	Chord	Bearing	Delta	Curve	Radius	Length	Length	Chord	Bearing	Delta
C1	378.00'	104.04'	52.35'	103.71'	S 82°06'50" W	15°46'11"	C18	62.00'	26.33'	43.85'	71.60'	N 83°39'59" W	70°32'31"
C2	368.00'	104.32'	52.48'	104.00'	N 81°55'58" E	15°24'17"	C19	62.00'	122.82'	94.56'	103.70'	S 84°18'47" W	113°29'56"
C3	350.00'	94.10'	47.34'	93.82'	N 81°55'58" E	15°24'17"	C20	30.00'	14.81'	7.56'	14.66'	N 38°17'48" W	28°16'46"
C4	416.00'	114.45'	57.59'	114.09'	S 82°06'42" W	15°45'47"	C21	30.00'	15.82'	8.10'	15.64'	N 89°03'09" W	30°12'35"
C5	363.00'	102.97'	51.80'	102.69'	N 81°55'58" E	15°24'17"	C22	225.00'	116.44'	59.55'	115.14'	N 20°52'41" E	29°39'02"
C6	383.00'	105.41'	53.04'	105.08'	S 82°06'55" W	15°46'11"	C23	275.00'	46.19'	23.15'	46.13'	S 30°53'31" W	9°37'22"
C7	363.00'	43.87'	21.96'	43.84'	H 86°43'08" E	6°33'44"	C24	275.00'	125.18'	63.69'	124.10'	S 13°02'25" W	26°04'50"
C8	363.00'	43.89'	21.97'	43.86'	S 86°43'14" W	6°33'56"	C25	15.00'	23.56'	15.00'	21.21'	H 45°00'00" E	90°00'00"
C9	416.00'	47.67'	23.86'	47.64'	S 86°43'14" W	6°33'56"	C26	30.00'	27.90'	15.05'	26.91'	S 63°21'26" E	53°17'08"
C10	350.00'	40.09'	20.07'	40.06'	H 86°43'08" E	6°33'44"	C27	62.00'	86.71'	52.14'	79.81'	N 78°46'39" W	80°07'35"
C11	20.00'	31.42'	20.00'	28.28'	S 45°00'00" E	90°00'00"	C28	62.00'	82.00'	48.25'	76.15'	S 25°16'40" W	75°46'46"
C12	225.00'	99.72'	50.69'	98.91'	S 17°41'49" W	25°23'38"	C29	62.00'	80.30'	46.96'	74.87'	S 49°45'30" E	74°17'13"
C13	225.00'	40.48'	20.30'	40.43'	S 30°32'55" W	10°16'34"	C30	62.00'	81.01'	33.23'	58.58'	N 84°54'13" E	55°22'42"
C14	275.00'	151.54'	77.75'	149.63'	N 19°55'01" E	31°34'22"	C31	30.00'	27.90'	15.05'	26.91'	S 63°21'26" E	53°17'08"
C15	30.00'	8.75'	4.41'	8.77'	S 12°29'23" W	16°43'95"	C32	15.00'	23.56'	15.00'	21.21'	N 45°00'00" E	90°00'00"
C16	30.00'	17.30'	8.90'	17.07'	S 37°22'25" W	33°03'00"	C33	20.00'	31.42'	20.00'	28.28'	H 45°00'00" E	90°00'00"
C17	62.00'	110.69'	76.97'	96.57'	H 02°45'06" E	102°17'39"	C34	250.00'	155.79'	80.92'	153.28'	S 17°41'08" E	35°42'12"
							C35	250.00'	155.79'	80.92'	153.28'	H 17°51'08" E	35°42'12"

QUESTAR GAS COMPANY
 I hereby certify that this plat complies with the provisions of the Utah Surveying Act, Chapter 2, A, Revised Code of Utah, and that the same is true and correct to the best of my knowledge and belief. I performed a Survey of 2006. The boundary description herein is based on the field notes and data which were collected and reduced in accordance with the provisions of the Utah Surveying Act, Chapter 2, A, Revised Code of Utah. I further certify that the reference markers shown on said map are located as shown and are sufficient to readily retrace or reestablish this survey.
 Date: 09-15-06
 Roger D. Oeder
 Registered Land Surveyor (see seal below)

Rocky Mountain Power - Dept. 9-24-07
Comcast - Sharon Shroyer

Conditions of Approval
 The owner and the developer of the property are responsible for complying with all environmental and wetland regulations.

Mapleton City, Utah County, Utah
 Scale: 1" = Feet
 City-County Engineer Seal
 Clerk-Recorder Seal

August 18th, 2009

Apex Investment Group, LLC
Hillcrest Homeowners Association
1642 7th Ave., #522
San Diego, CA 92101

Mapleton City

Re: Hillcrest Estates Private Park Design

To Whom It May Concern:

This letter serves to officially request a change in the approved plans for the private Park area and Detention Basin for Hillcrest Estates. Currently, the plans are approved for a tot lot, pavilion, and walking trail in the Park, and sod and irrigation for the Detention Basin.

Park Area

The Park area is a heavily sloped lot in multiple directions with very little flat area that would suffice for the currently approved amenities (please see "Park Prop Countours.PDF"). Further, the current economic climate has produced very few lot sales. There are currently 6 out of 16 lots sold, with only one home being built. There just aren't any homeowners in the subdivision. Installing these improvements are not justified, no one is there to use them. Also, if these improvements are installed, they will most likely be used by neighboring subdivisions, creating maintenance costs and increased liability for Hillcrest Estates. Most importantly, potential lot buyers are turned off by the prospects of maintenance costs. We have also had specific feedback regarding the orientation of the Park and the risk of the Park area having direct views into their backyards and windows.

We propose to rough grade the lot, grub weeds and brush, and maintain existing mature trees, and then leave it for future development by the Homeowners upon substantial occupancy of the subdivision. At that time, the orientation of the neighboring houses can ultimately determine the orientation of the Park, thereby preserving maximum value and addressing privacy concerns. We will place enough money into an HOA impound/reserve account to install sod and a sprinkler system so that the City is assured that at least something will be done (see Park Bid.PDF). Homeowners should decide for themselves how to use that money, what else they want in the Park, and approve an appropriate maintenance budget to their satisfaction, rather than having it force-fed to them. (see attached letters from current lot owners 2, 12, 13). Please also note that the current approved plans only call for a pressurized irrigation water line to that lot and currently Mapleton City has indefinitely postponed the charging of those lines. At the request of Gary Calder and Corey Branch, at our sole expense, we have installed a culinary water line as a good faith gesture.

Detention Basin

There is a Detention Basin that borders the west edge of the subdivision. The currently approved plans call for sod in this basin. There are several issues with this. As evidenced in other parts of Mapleton City, the design will most likely fail. The plans never called for a water line to this area so without regular water, the sod will die. Also, our landscaper feels the maintenance with sod will be challenging due to the heavily sloped nature of the basin. Another thing to note is that this basin is not "common area" but actually part of Lots 1 & 4. Both are currently un-sold and potential buyers have expressed concerns regarding the maintenance and responsibility for the Basin.

We propose to install a landscaping mesh type net to act as a weed block in the basin that will be weighed down by a local cobblestone type rock. The finished look (see SampleBasin-Rock.JPG) will be more natural, require no water thus being environmentally friendly, and eliminate the regular maintenance costs of mowing. We feel this is a superior solution that will aid in attracting buyers, and provide years of no water, maintenance free living. Roger Dudley of Dudley & Associates has engineered the solution and prepared a more technical diagram (see Amended Detention Basin.PDF). He is confident that it will work.

The feedback that we have been getting from potential buyers is that they are turned off by the prospects of having high maintenance costs relating to the common areas of the subdivision. Our brokers tell us that this is the number one question people have and the uncertainty has been discouraging buyers. I'm sure you can see how this is a bad situation for us and the City. It is in both of our best interests to create a high quality product that people want and are willing to pay for. With the currently approved plans, we do not have the most desirable product. I request that you approve our proposal for the Park area and the Detention Basin and allow us to finish this subdivision so that it can be in its best condition to attract owners and satisfy the current owners in this economic climate.

Thank you for your time.

Sincerely,

Rakesh Goyal



M & M Landscaping Inc.
 Nick Miller
 PO Box 662
 Santaquin, UT 84655
 Utah License # 7047710-5501

Estimate

Date	Estimate #
6/9/2009	46

Name / Address
Rocky Goyal Mapleton Park

P.O. No.	Terms	Project

Description	Qty	Rate	Total
Sprinkler System- 2 year warranty, double coverage, battery powered timer. Connecting to PI Connection.	1	2,275.00	2,275.00
Grading, final grade, hand prep and raking.	1	1,300.00	1,300.00
Sod	1	8,700.00	8,700.00
Rough grade, remove all weeds and prepare for topsoil.		2,300.00	2,300.00
Total			\$14,575.00

Phone #	Fax #	E-mail	Web Site
801-471-7980	801-754-1091	mandmlandscaping@hotmail.com	www.mandmutah.com

June 26th, 2009

Homeowners of Hillcrest Estates
Mapleton, UT

Mapleton City

RE – Hillcrest Estates Private Park Design

To Whom It May Concern:

We, the Homeowners at Hillcrest Estates, are requesting that you approve the attached design for our Park area in Lot 17. The requirements for a "pavilion, walking trail, and tot lot" are not what we want. We will not use those amenities and have serious concerns that they will only create added costs and liability for us, as well as increased ongoing costs that don't make sense for us.

Considering the heavy slope of the terrain, it will be costly to install those improvements for something we just won't use. We want a simple, natural, open area that requires minimal maintenance and uses minimal water. In the future, once the subdivision is completely occupied, we the homeowners will decide on a more appropriate use for the space that all homeowners can benefit from and enjoy.

Please respect our wishes and approve our design.

Sincerely,

The Homeowners at Hillcrest Estates

Name

2 & 13
Lot #

June 26th, 2009

Homeowners of Hillcrest Estates
Mapleton, UT

Mapleton City

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Please respect our wishes and approve our design.

Sincerely,

The Homeowners at Hillcrest Estates

WES LARSEN
Name

12
Lot #

June 26th, 2009

Homeowners of Hillcrest Estates
Mapleton, UT

Mapleton City

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Considering the heavy slope of the terrain, it will be costly to install those improvements for something we just won't use. We want a simple, natural, open area that requires minimal maintenance and uses minimal water. In the future, once the subdivision is completely occupied, we the homeowners will decide on a more appropriate use for the space that all homeowners can benefit from and enjoy.

Please respect our wishes and approve our design.

Sincerely,

The Homeowners at Hillcrest Estates

Gregg Colton
Name

15
Lot #